

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KATE GORBATY,

Plaintiff,

**ORDER**

10-CV-3291 (NGG) (SMG)

-against-

WELLS FARGO BANK, N.A.;  
WELLS FARGO HOME MORTGAGE, INC.,

Defendants.

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KATE GORBATY,

Plaintiff,

10-CV-3354 (NGG) (SMG)

-against-

WELLS FARGO BANK, N.A.;  
WELLS FARGO HOME EQUITY,

Defendants.

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GARAUFIS, United States District Judge:

On July 8, 2010, pro se Plaintiff Kate Gorbaty filed a complaint in Gorbaty v. Wells Fargo Bank et al., 10-CV-3291. On July 16, 2010, Plaintiff filed a second complaint in Gorbaty v. Wells Fargo Bank et al., 10-CV-3354. Plaintiff's requests to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 on these two actions are granted. For the reasons discussed below, the Clerk of Court is hereby ordered to consolidate these two actions.

**DISCUSSION**

Under Federal Rule of Civil Procedure 42, "[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the

actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." Fed. R. Civ. P. 42(a). Consolidation is appropriate in order to serve the interests of judicial economy. See, e.g., Jacobs v. Castillo, No. 09-CV-953, 2009 WL 1203942, at \*3 (S.D.N.Y. Apr. 23, 2009). Moreover, the trial court has broad discretion to determine whether consolidation is appropriate. Johnson v. Celotex Corp., 899 F.2d 1281, 1284-85 (2d Cir. 1990).

Here, Plaintiff alleges in both actions that she is the victim of "an abusive and predatory home mortgage loan" on her residence in Scotch Plains, New Jersey, citing violations of the Truth in Lending Act and the Real Estate Settlement Procedures Act. The two actions involve essentially the same questions of law and fact, the same defendants, and will require much of the same evidence. Additionally, the two actions are at the same early stage of litigation. Accordingly, consolidating these actions will avoid duplicative discovery and promote judicial economy.

#### CONCLUSION

IT IS HEREBY ORDERED: that plaintiff's applications to proceed in forma pauperis are granted. The United States Marshals Service is directed to serve a copy of this Order, the summons and complaints upon Defendants without prepayment of fees; and

IT IS FURTHER ORDERED: that the Clerk of Court consolidate the two above-captioned actions under the first case filed, docket number 10-CV-3291. The Clerk of Court shall close the case with docket number 10-CV-3354, and direct any further filings in that case to 10-CV-3291. SO ORDERED.

/S/

NICHOLAS G. GARAUFIS  
United States District Judge

Dated: Brooklyn, New York  
July 27, 2010